

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>THOMAS P. RILEY, ESQ., Bar No.: 194706</b> <b>THOMAS P. RILEY, LAW OFFICES OF</b> <b>1114 FREMONT AVENUE</b> <b>SOUTH PASADENA, CA 91030</b> ATTORNEY FOR (Name): <b>PLAINTIFF</b>		TELEPHONE NO. <b>(626) 799-9797</b> E-MAIL <b>tprlaw@att.net</b> Ref. No. or File No. <b>KING PIZZA 1/21/06</b>	FOR COURT USE ONLY Page 1 of 4	
Insert name of court, judicial district or branch court, if any: <b>UNITED STATES DISTRICT COURT</b> <b>NORTHERN DISTRICT</b> <b>280 SOUTH FIRST STREET</b> <b>SAN JOSE, CA 95113</b>				
PLAINTIFF/PETITIONER: <b>J &amp; J SPORTS PRODUCTIONS, INC.</b>				
DEFENDANT/RESPONDENT: <b>DOAN</b>				
<b>PROOF OF SERVICE</b>	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: <b>C0800324RMWPVT</b>

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the

**SUMMONS IN A CIVIL CASE, COMPLAINT; CIVIL COVER SHEET; CERTIFICATION AS TO INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS INFORMATION; WELCOME TO THE USDC FOR THE NORTHERN DIST. OF CALIF., CLERK'S OFFICE, SAN JOSE DIVISION INFORMATION PACKAGE**

3. a. Party served: **MAN THI DOAN, INDIVIDUALLY AND D/B/A KING PIZZA**

4. Address where the party was served: **2782 BATON ROUGE DRIVE, #A**  
**SAN JOSE, CA 95133**

5. I served the party

b. **by substituted service.** On: **June 8, 2008 at 06:10 pm** I left the documents listed in item 2 with or in the presence of **"JOHN DOE" (REFUSED NAME) - CO-OCCUPANT**

**PHYSICAL DESCRIPTION OF PERSON SERVED:**

**Age: 60      Weight: 140      Hair: BLACK      Race: ASIAN**  
**Sex: M      Height: 5'6"      Eyes: BROWN**  
**Marks:**

(2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.

(4) A declaration of mailing is attached.

(5) I attach a **declaration of diligence** stating actions taken first to attempt personal service under the following Code of Civil Procedure section :

**SERVICE MADE PURSUANT TO FRCP 4(e) (2)**

**7. Person who served papers**

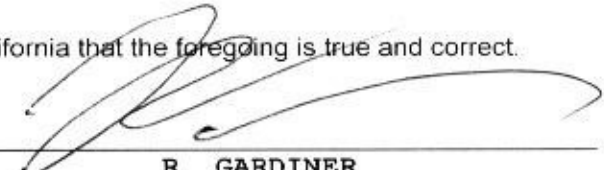
a. **R. GARDINER**  
b. **ABSOLUTE SERVICE OF LOS ANGELES**  
**1301 WEST SECOND STREET, SUITE 204**  
**LOS ANGELES, CA 90026**  
c. **(213) 481-7334**

d. **The fee** for service was: **\$80.00**

e. I am: (3) registered California process server.  
 (i) independent contractor  
 (ii) Registration No.: **458**  
 (iii) County: **SANTA CLARA**

8. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **July 28, 2008**

  
**R. GARDINER**

THOMAS P. RILEY, ESQ., Bar No.: 194706

(626) 799-9797

THOMAS P. RILEY, LAW OFFICES OF

1114 FREMONT AVENUE

SOUTH PASADENA, CA 91030

tprlaw@att.net

ATTORNEY FOR (Name)

PLAINTIFF

Ref No or F-c No

KING PIZZA 1/21/06

Insert name of court, judicial district or branch court, if any

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

280 SOUTH FIRST STREET

SAN JOSE, CA 95113

PLAINTIFF:

J &amp; J SPORTS PRODUCTIONS, INC.

DEFENDANT:

DOAN

DECLARATION  
RE: DILIGENCE

DATE

TIME

DEPT/DIV:

CASE NUMBER

C0800324RMWPVT

I received the within process on May 16, 2008 and that after due and diligent effort I have been unable to personally serve said party. The following itemization of the dates and times of attempts details the efforts made to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Party Served: **MAN THI DOAN, INDIVIDUALLY AND D/B/A KING PIZZA**

Residence: **2782 BATON ROUGE DRIVE, #A, SAN JOSE, CA 95133**

Business: **Business address was not known at the time of service.**

As enumerated below:

May 22, 2008 01:50 pm

NO ANSWER (RESIDENCE).

May 25, 2008 10:20 am

NO ANSWER (RESIDENCE).

May 26, 2008 05:55 pm

NO ANSWER (RESIDENCE), NO ACTIVITY.

May 28, 2008 09:15 pm

NO ANSWER (RESIDENCE), PREMISES DARK.

May 31, 2008 11:50 am

NO ANSWER (RESIDENCE), HEARD MOVEMENT FROM INSIDE OF RESIDENCE, BUT NO RESPONSE.

June 3, 2008 06:50 am

NO ANSWER (RESIDENCE).

June 6, 2008 12:35 pm

NO ANSWER (RESIDENCE), NO ACTIVITY.

June 8, 2008 06:09 pm

NOT HOME (RESIDENCE) PER "JOHN DOE" (REFUSED NAME), CO-OCCUPANT.

(CONTINUED ON NEXT PAGE)

Person who served papers

R. GARDINER

ABSOLUTE SERVICE OF LOS ANGELES

1301 WEST SECOND STREET, SUITE 204

LOS ANGELES, CA 90026

(213) 481-7334

The fee for service was: \$80.00

I am: registered California process server.

independent contractor

Registration No.: 458

County: SANTA CLARA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 28, 2008

R. GARDINER

THOMAS P. RILEY, ESQ., Bar No.: 194706

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THOMAS P. RILEY, LAW OFFICES OF

1114 FREMONT AVENUE

SOUTH PASADENA, CA 91030

tprlaw@att.net

ATTORNEY FOR (Name):

PLAINTIFF

Ref. No. or File No.

KING PIZZA 1/21/06

Insert name of court, judicial district or branch court, if any:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

280 SOUTH FIRST STREET

SAN JOSE, CA 95113

PLAINTIFF

J &amp; J SPORTS PRODUCTIONS, INC.

DEFENDANT

DOAN

DECLARATION  
RE: DILIGENCE

DATE:

TIME:

DEPT/DIV

CASE NUMBER:

C0800324RMWPVT

June 8, 2008 06:10 pm

SUBSTITUTED SERVICE. RECIPIENT INSTRUCTED TO DELIVER DOCUMENTS TO DEFENDANT  
AS NAMED.

## Person who served papers

R. GARDINER

ABSOLUTE SERVICE OF LOS ANGELES

1301 WEST SECOND STREET, SUITE 204

LOS ANGELES, CA 90026

(213) 481-7334

The fee for service was: \$80.00

I am: registered California process server.

Employee or independent contractor

Registration No.: 458

County: SANTA CLARA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 28, 2008

R. GARDINER



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <b>THOMAS P. RILEY, ESQ., Bar No.: 194706</b> <b>THOMAS P. RILEY, LAW OFFICES OF</b> <b>1114 FREMONT AVENUE</b> <b>SOUTH PASADENA, CA 91030</b> tpriaw@att.net		TELEPHONE NO. (626) 799-9797		FOR COURT USE ONLY	
ATTORNEY FOR (Name): <b>PLAINTIFF</b>		Ref. No. or File No. <b>KING PIZZA 1/21/06</b>			
Insert name of court, judicial district or branch court, if any: <b>UNITED STATES DISTRICT COURT</b> <b>NORTHERN DISTRICT</b> <b>280 SOUTH FIRST STREET</b> <b>SAN JOSE, CA 95113</b>					
PLAINTIFF/PETITIONER: <b>J &amp; J SPORTS PRODUCTIONS, INC.</b>					
DEFENDANT/RESPONDENT: <b>DOAN</b>					
<b>PROOF OF SERVICE BY MAIL</b>		DATE	TIME	DEPT/DIV	CASE NUMBER <b>C0800324RMWFPVT</b>

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1301 West Second Street, Suite 204, Los Angeles, CA 90026.

On **June 9, 2008**, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**SUMMONS IN A CIVIL CASE, COMPLAINT; CIVIL COVER SHEET; CERTIFICATION AS TO INTERESTED PARTIES; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS INFORMATION; WELCOME TO THE USDC FOR THE NORTHERN DIST. OF CALIF., CLERK'S OFFICE, SAN JOSE DIVISION INFORMATION PACKAGE**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

**MAN THI DOAN, INDIVIDUALLY AND D/B/A KING PIZZA**  
**2782 BATON ROUGE DRIVE, #A**  
**SAN JOSE, CA 95133**

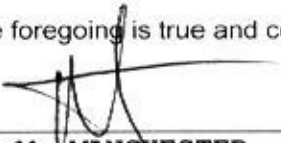
I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

**Person who served papers**  
**M. MANCHESTER**  
**ABSOLUTE SERVICE OF LOS ANGELES**  
**1301 WEST SECOND STREET, SUITE 204**  
**LOS ANGELES, CA 90026**  
**(213) 481-7334**

**The fee for service was: \$80.00**  
 I am: registered California process server.  
 employee  
 Registration No.: **5211**  
 County: **LOS ANGELES**

**I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **July 28, 2008**

  
**M. MANCHESTER**